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15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE DIVISION

18 THE BILLING RESOURCE d/b/a INTEGRETTEL,  
19 Debtor-Plaintiff-Appellee,

20 v.  
21

22 FEDERAL TRADE COMMISSION et al.,  
23 Defendant-Appellant.  
24

)  
)  
) No. 5:07-CIV-5758-JW

) Date: No Hearing Scheduled

) Judge: Hon. James Ware  
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)

25 On Appeal from the United States Bankruptcy Court for the Northern District  
26 of California, No. 07-52890, Adversary Proceeding No. 07-5156 (Weissbrodt)

27 SUPPLEMENTAL STATEMENT CONCERNING AN ISSUE  
28 RAISED *SUA SPONTE* BY THE COURT AT ITS FEBRUARY 5, 2008 HEARING

1 Defendant-appellant the Federal Trade Commission (“Commission”) hereby provides a  
2 supplemental statement concerning an issue raised *sua sponte* by the Court at its February 5, 2008  
3 hearing. The Court expressed an interest whether it would be possible to have the Commission’s  
4 enforcement action against Integretel, *FTC v. Nationwide Connections, Inc.*, No. 06-CV-80180-  
5 Ryskamp/Vitunac (S.D. Fla.), pending before the United States District Court for the Southern District  
6 of Florida, be litigated before this Court. This issue is addressed by 28 U.S.C. § 1452(a). This statute  
7 specifically prohibits the removal of “a civil action by a governmental unit to enforce such  
8 governmental unit’s police or regulatory power” from a federal district court where the civil  
9 enforcement action is pending to another federal district court based solely upon the second district  
10 court’s jurisdiction over a bankruptcy matter involving a debtor-defendant the civil enforcement action.  
11 *See also City & County of San Francisco v. PG&E Corp.*, 433 F.3d 1115 (9th Cir. 2006); *Collier*  
12 *Bankruptcy* ¶ 3.07, ¶ 3.07[1] n.8 and accompanying text (15th ed. rev.) (“As strange as it may sound,  
13 § 1452 applies whether the litigation to be removed is pending in state or federal court,” unlike 28  
14 U.S.C. § 1441, which applies only to the removal of actions from state courts.).

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18 Respectfully submitted,

19  
20 /s/

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